

TOWN OF DERRY

Town Council
Derry Municipal Center

February 21 2017
Tuesday - 7:30 PM

7:30 PM Call to order

Pledge of Allegiance, warning of fire exits, handicap access, & turn off all cell phones

Roll Call: Councilors Bourdon, Foote, Tripp, Fischer, Katsakiores, Morgan and Chairman Chirichiello

Present: TA David Caron, Town Clerk Daniel Healey, CFO Susan Hickey

Consent Agenda

17-19 Approve Non-Public Minutes – February 7, 2017

17-20 Approve Minutes – February 7, 2017

17-21 Schedule Public Hearing – March 7, 2017 – Exit 4A Environmental Impact Statement – authorization to reassign funds from a supplemental appropriation

17-22 Schedule Public Hearing – March 7, 2017 – Authorization to Reassign Bridge Improvement Funds

Consent agenda approved with amendments to 17-20

Chairman's Report – Brian Chirichiello

Neil Wetherbee gave a report on the Conservation Commission. The commission reviews and approves dredge and fill permits and project applications that impact waterbodies, wetlands, etc. They recently participated in a joint meeting with representatives from the Planning Board and the ZBA discussing new business on Tinkham Ave which lies in an aquifer protection district. The Conservation Commission has been active in 2 significant land protection initiatives over the past year. Those being Willow Ave./Caras Property and the Sawyer property. The commission also works with its sub-committee, the Go Green Committee.

Laurel Bistany gave a report on the Derry Revolving Loan Fund program. The fund is \$250,000. The first loan was given in 2010. The loans range in amounts from \$5,000 to \$50,000. The interest rates on these loans start at 6%. Some clients include Water's Edge Salon and Spa, Royal T Car Wash, Cask and Vine, Tupelo Music Hall and Firefly Salon. There has only been one loss in the history of the Derry Revolving Loan Fund.

Town Administrator's Report – David Caron

There are 5 candidates for the position of Economic Development Coordinator that were interviewed by a panel last Thursday. More information will be available at the next meeting. The town had another conference call with Buxton and they will be working on outreach packets that will be available in 20 working days.

CFO Susan Hickey stated that Moody's got back to the town and said that they could not give specific numbers at this time but to increase the town's rating to a AAA the wealth of the people

in town would need to increase and there needs to be more economic growth. They gave an example of Bedford.

CFO Susan Hickey and Accounting Manager Mark Fleischer gave a presentation on the 2nd Quarter Financial Report. As of December 1st, the town is pretty stable. The town is at 47% for revenue and 46% for expenses. The retro pay for union members has been included but insurance does not start until January. The 3rd Quarter report will be a different story because of the snow storms, there will be an impact on expenses. Some areas currently look low but there are a few capital projects that are broken throughout different departments. These purchases are coming and will show an increase in revenue for the leases and expenditures for the purchase. Councilor Fischer would like to suggest making a cover sheet for future financial reports that state the highlights of the report. Councilor Morgan would like a monthly sheet prepared on the general fund balance and accounts receivable. He stated that simplicity is best.

CFO Susan Hickey and Accounting Manager Mark Fleischer presented the Capital Improvement Plan. The CIP needs to be submitted by March 1st and it was presented to the Planning Board last week. The finance department is working on making the plan a more readable document. The CIP is used to replace things like carpeting and to improve parks in town. An expense coming up in the future is 1.6 million for a communications system. This will be discussed more during the budget season.

Public Forum - *30 Minutes*
Open Public Forum – all agreed

Ernest St. Pierre: Sunset Ave – He asked about the \$21,000 loss by the Derry Revolving Loan fund and asked if they were insured. He would like the town to look into federal grants. He questioned the unassigned fund balance and the 2 million dollar difference Councilor Fischer pointed out. He would like the unassigned fund balance to be listed on the town website. He said that Exit 4A used the resident's tax dollars and he discussed the Derry Veteran's Assistance fund.

Neil Wetherbee: Worthley Rd – Thanked Councilor Fischer for his 3 years of service on the Town Council.

Motion by Councilor Morgan to close public forum, seconded by Councilor Katsakiores– all agreed

Public Hearings

17-16 Supplemental Appropriation for the purchase of land on Island Pond Road for conservation purposes

Conservation Commission Chairman Neil Wetherbee discussed the purchase of land on Island Pond Road for conservation purposes. 138 Island Pond Road is commonly referred to as the Sawyer Property after former longtime owner Ruth Sawyer. Dating back at least 20 years, the property has been one of the Derry Conservation Commissions highest priorities based on objective rating criteria. In April of 2016, Dave Viale of Southeast Land Trust contacted the commission chair regarding 138 Island Pond Road listed for sale for an asking price of \$495,000. It was being marketed as a multi-estate type property and there was a conceptual

plan for a 10 lot subdivision. This particular parcel consists of approximately 78 acres of land with an overall project cost of \$465,697. The council previously agreed to present a supplemental appropriation of \$250,000 from the unassigned fund balance to a public hearing for input and action, supported by \$215,697 from the Conservation Commission. It is anticipated that the Town will recover approximately \$75,000 from the subdivision and sale of one, 3.0+/- acre parcel; the Conservation Commission has been approved and is scheduled to receive a reimbursement from the Merrimack Partnership in the amount of \$15,697.

Motion by Councilor Katsakiores to open public hearing, seconded by Councilor Morgan – all agreed

Ernest St. Pierre: Sunset Ave – Does not want to see no hunting signs posted on this property.

Paul Dionne: Worthley Rd – Agrees with Neil, EPA contacted the Conservation Commission to protect this land as it has a high co-occurrence. Believes hunting will be allowed.

Eileen Chabot: Spollett Dr – It's been on the list for a long time and she hopes the Council will support it.

Motion by Councilor Katsakiores to close public hearing, seconded by Councilor Morgan – all agreed

Councilor Morgan would like to know if there is a way to know for sure if hunting will be allowed.

Motion by Councilor Bourdon to open public hearing, seconded by Councilor Morgan – all agreed

Neil Wetherbee believes the Conservation Commission will vote to allow it but cannot guarantee what the vote would actually be.

Dave Viale: Southeast Land Trust – Conservation easements are left open to the town to decide.

Motion by Councilor Morgan to close public hearing, seconded by Councilor Fischer – all agreed

Councilor Morgan MOVES THAT THE TOWN COUNCIL adopt Resolution #2017-010, which reads as follows [*Read the Resolution*], seconded by Councilor Katsakiores
Resolution attached
Roll Call Vote 7-0-0

New Business

17-23 Resolution 2017-011 – To Authorize a Letter of Understanding between the Town of Derry and the Southeast Land Trust of NH Regarding the Acquisition of 138 Island Pond Road for conservation purposes

The Letter of Understanding summarizes the financial and management responsibilities of the Southeast Land Trust of New Hampshire and the Town of Derry in regards to the acquisition of approximately 78.459 acres of open land show as Tax Map 06 Lot 025 002 owned by Jane Cavaretta and Cynthia A. Hansen and a conservation easement over approximately 75 acres of

said property. The easement will be held by Southeast Land Trust with the Town of Derry, as the fee simple owner of the property.

Councilor Tripp MOVES THAT THE TOWN COUNCIL adopt Resolution #2017-011, which reads as follows [Read the Resolution], seconded by Councilor Katsakiores

Resolution attached

Roll Call Vote 7-0-0

17-24 Resolution 2017-012 – To Appoint an Acting Town Administrator for a Specific Period of Time

The current Town Administrator will be absent from the town for a specific period of time and Chief Financial Officer Susan Hickey will be appointed to serve in that capacity from February 26, 2017 to March 4, 2017.

Councilor Bourdon MOVES THAT THE TOWN COUNCIL adopt Resolution #2017-012, which reads as follows [Read the Resolution], seconded by Councilor Katsakiores

Resolution attached

Roll Call Vote 7-0-0

Council Requests / Open Discussion

Councilor Tripp – Would have liked to discuss the boards and committees vetting process. Requested that the Derry Ambulance hardship committee vacancies be posted on the town website. He was told by Town Administrator David Caron that the procedure for collecting ambulance bills is currently being reviewed and that may impact any decisions on the committee.

Councilor Morgan – Met with the EDAC and the art council. The crosswalk in front of the Opera House is still poorly lit and there are some concerns about that. The Opera House sign is old and there is a proposal for a new sign. The investment is about \$15,000 and if the council is willing to listen, Councilor Morgan would like to invite Mike Gendron in to give a presentation.


Councilor Bourdon – Wanted to thank the town, Bringing Derry Together, This is My Derry, Andy Day, local businesses, and Councilor Morgan for their work during Frost Fest and the Lion King. Thursday, February 23 at 6:30pm there is a Town Council candidate night at the VFW function hall.

Chairman Chirichiello – Governor Sununu recently gave a speech about putting back retirement contributions. Governor Lynch had removed them a few years ago.

Adjournment: 9:25 p.m.



Town Clerk



Date

Recording & Transcription by: Daniel Healey, Town Clerk



RESOLUTION

Number 2017-010

To Approve a Supplemental Appropriation for the Purchase of Land on
Island Pond Road in Derry for Conservation Purposes

WHEREAS, Section 5.1 of the Town Charter designates the Town Council as the governing and legislative body of the Town and, as such, it is empowered to purchase real property for the benefit of the Town and to appropriate funds for such purposes; and

WHEREAS, a certain parcel of undeveloped land located at 138 Island Pond Road, if acquired by the Town, will preserve significant open space in Derry; and

WHEREAS, the Derry Conservation Commission has voted to contribute Two Hundred Fifteen Thousand Six Hundred Ninety-Seven Dollars (\$215,697) toward acquisition of the parcel; and the Town Council anticipates subdividing one or more lots from the 78 acre parcel to reimburse some of the Town's investment in this parcel from its Unassigned Fund Balance;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the total acquisition cost of Four Hundred Sixty-Five Thousand Six Hundred Ninety-Seven Dollars (\$465,697) is hereby affirmed and a Supplemental Appropriation in the amount of Two Hundred Fifty Thousand Dollars (\$250,000) from Unassigned Fund Balance is hereby approved to complete funding; with consummation of the transfer of ownership to the Town contingent upon the funding commitment of the Derry Conservation Commission, as approved by this Council pursuant to RSA 36-A:4; and

BE IT FURTHER RESOLVED that David Caron, Town Administrator is authorized to execute all necessary documents on behalf of the Town.

This Resolution shall take effect immediately upon its passage.

Adopted: February 21, 2017.

Attest:

x Brian Chirichiello

Brian Chirichiello, Council Chair

Date: 2-28-17

x Daniel Healey

Daniel Healey, Town Clerk

Date: 2-28-17

Archival Ref: TC agenda Item #17-16



RESOLUTION

Number 2017-011

To Approve a Letter of Understanding with SE Land Trust
for the Purchase of Land on
Island Pond Road in Derry for Conservation Purposes

WHEREAS, Section 5.1 of the Town Charter designates the Town Council as the governing and legislative body of the Town and, as such, it is empowered to purchase real property for the benefit of the Town and to appropriate funds for such purposes; and

WHEREAS, the Town Council has previously approved, pursuant to Resolution #2017-10, the purchase of a certain parcel of undeveloped land located at 138 Island Pond Road; and

WHEREAS, the transaction is being coordinated by the Southeast Land Trust of New Hampshire, which will also hold and manage the conservation easement on said parcel for the Town and the Derry Conservation Commission;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the attached Letter of Understanding which sets forth the terms and obligations of all parties to this transaction is hereby approved, and the Town Administrator is hereby authorized to execute all documents and take other actions necessary to implement this Resolution.

This Resolution shall take effect immediately upon its passage.

Adopted: February 21, 2017.

Attest:

x Brian Chirichiello

Brian Chirichiello, Council Chair

Date: 2-28-17

x Daniel Healey

Daniel Healey, Town Clerk

Date: 2-28-17

Archival Ref: TC agenda Item #17-23



RESOLUTION

Number 2017-012

To Appoint an Acting Town Administrator for a Specific Period of Time

WHEREAS, the Section 8.5 of the Town Charter requires that the Town Council appoint a person to act in the absence of the Town Administrator; and

WHEREAS, the current Town Administrator will be absent from the town for a period of time and unavailable to perform certain duties; and

WHEREAS, competent existing professional staff is experienced in the role of Acting Town Administrator and is available to serve in that capacity; and

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that Chief Financial Officer, Susan Hickey, is hereby appointed as Acting Town Administrator to serve in that capacity from Sunday, February 26, 2017 through Saturday, March 4, 2017; and

BE IT FURTHER RESOLVED that Ms. Hickey's exercise of the authority of the Town Administrator shall be limited to those duties of a general management and ministerial nature, and any duties required of him to address emergencies.

This Resolution shall take effect immediately upon its passage.

Adopted: February 21, 2017.

Attest:

x Brian Chirichiello
Brian Chirichiello, Council Chair
Date: 2-28-17

x Daniel Healey
Daniel Healey, Town Clerk
Date: 2-28-17

Archival Ref: TC agenda item #17-24